

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: OFFICE OF CONSUMER ADVOCATE, Complainant, vs. BUSINESS NETWORK LONG DISTANCE, INC., Respondent.	DOCKET NOS. FCU-04-35 FCU-04-38 FCU-04-49
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**ORDER APPROVING SETTLEMENT AGREEMENT AND
ASSESSING CIVIL PENALTY**

(Issued September 23, 2004)

On August 3, August 6, and September 10, 2004, the Consumer Advocate Division of the Department of Justice (Consumer Advocate) filed with the Utilities Board (Board) petitions for proceedings to consider civil penalties for alleged slamming violations committed by Business Network Long Distance, Inc., (BNLD).

In the complaints, Consumer Advocate asserts that BNLD switched the complaining customers' long distance service without proper authorization in violation of Iowa's anti-slamming law, Iowa Code § 476.103 (2003). The complaints were identified as Docket Nos. FCU-04-35, FCU-04-38, and FCU-04-49.

On September 21, 2004, the parties to these dockets, Consumer Advocate and BNLD, submitted a joint motion for approval of the settlement agreement contained in the motion. The settlement agreement addresses all issues in all of the dockets and includes a monetary penalty against BNLD in the total amount of \$1,000, which is to be paid within 30 days of this order.

The Board has reviewed the settlement agreement and will approve it. The settlement agreement is reasonable in light of the record, conforms with all applicable statutes and rules, and is in the public interest. 199 IAC 7.2(11).

IT IS THEREFORE ORDERED:

1. The "Joint Motion for Approval of Settlement Agreement" filed in these dockets on September 21, 2004, is granted and the "Settlement Agreement" is approved.

2. Pursuant to Iowa Code § 476.103 and the "Settlement Agreement" filed September 21, 2004, Business Network Long Distance, Inc., is assessed a civil penalty in the amount of \$1,000. Payment, in the form of a check made payable to the Iowa Utilities Board, should be forwarded to the Executive Secretary of the Iowa Utilities Board at 350 Maple Street, Des Moines, Iowa 50319-0069. Payment is due

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within 30 days of this order. The docket numbers listed on this order shall be listed on the check or in the accompanying correspondence.

UTILITIES BOARD

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 23rd day of September, 2004.